

RA Talking Points  
Environmental Federation of Oklahoma Conference – Oklahoma City, OK  
Tuesday – October 2, 2017

### Introduction

- Good morning.
- I want to thank Ron Jarman, Paula Hofford, and the Environmental Federation of Oklahoma for inviting me to speak.
- It's always a privilege to meet with the Environmental Federation of Oklahoma.
- Lots has changed since last year.
- But EPA's core objectives like protecting the air, water, and land have not.
- EPA has a new administrator in Oklahoma's very own Scott Pruitt.
- Administrator Pruitt has focused on accomplishing EPA's core objectives through "cooperative federalism" and the "rule of law and process."
- Today, I'd like to talk about EPA's continued partnership with Oklahoma's state agencies in providing Oklahomans with clean air, land, and water.

### Core Mission – Improve Air Quality

- A good example of how we're working cooperatively with federal, state, and local officials to protect the environment and human health occurred recently.
- In mid-August, a few days before school was scheduled to start, Oklahoma Secretary of Energy and Environment, Mike Teague, called me with a gas venting problem at the **Pawhuska high school**.
- Natural gas was venting from the soil above several geothermal wells used as part of the heating and cooling system at the high school, and the State Fire Marshall closed the building until it could be stopped.
- Region 6 dispatched a Superfund On-Scene Coordinator to the site, who confirmed that natural gas was being released.
- A technical workgroup was convened by the Secretary, the Oklahoma Corporation Commission (OCC), Bureau of Indian Affairs (BIA), the Osage Mineral Council, the Pawhuska School District, the State Fire Marshall, and EPA.
- The workgroup considered several approaches to address the risks to the school and developed a plan to install a vent system on the wells, with an underground collection system and venting above the school roof, which OCC implemented.
- That system is in place and operating properly which allowed the school to open its doors to the students.
- The OCC provided monitoring equipment and training to the school district to make sure the system continues to work and OCC will also continue to monitor the site themselves into the next year.
- Another gas venting location was found on the school's softball field.
- The location used to be a 100-year old gas production well that was first plugged in the 1940's.
- Two other attempts were made in 2004 and 2013, but natural gas continued to leak to the surface.

- The Osage Mineral Council took the lead for re-plugging the well and will monitor the area for at 60 days to determine whether the plug was successful.
- None of this could have been done without deliberate and careful coordination with EPA, state, local, and tribal officials.
- By working together, the students at Pawhuska High School can begin the school year with safe air quality.
- EPA also believes that we can safeguard our air quality while growing the economy.
- **Public Service Co. of Oklahoma (PSO) and Southwestern Electric Power Co.'s Wind Catcher project** is a good example of this.
- The \$4.5 billion wind project would be the largest single-site development in the nation, adding 2,000 megawatts of energy to the state.
- Oklahoma would leap over Iowa and become the second ranked state in installed wind capacity by the end of 2017.
- The project would save PSO customers more than \$2 billion, provide diversity to the company's generation fleet by adding a wind resource to its 6 natural gas and 2 coal plants, and boost the state's economy by creating new jobs and tax revenues for local governments.
- Lastly, the project would improve air quality for all Oklahomans.

#### Core Mission – Provide Clean and Safe Water

- In addition to making sure the air we breathe is safe, we're also working with our partners in providing clean and safe water.
- A good example of this also occurred in Osage County.
- You may have seen **Bird Creek in Osage County** in the news recently.
- Bird Creek has been a high priority for EPA, as we retain direct implementation authority in Osage County for the Underground Injection Control (UIC) program.
- Administrator Scott Pruitt has been to the site with me, and continues to follow our progress in resolving the problem.
- Back in August, the Bureau of Indian Affairs (BIA) reported an issue with the creek.
- EPA responded and found high salinity, temperature, an oily sheen on the surface of the water, and dead fish in the area.
- The site feeds a downstream drinking water intake for the city of Pawhuska.
- EPA conducted in-stream water quality sampling, an electrical resistivity soil survey, historical aerial photograph analysis, and installed an in-stream monitoring network that measures water quality every fifteen minutes.
- We worked with the operators of nearby Class II UIC injection wells to conduct mechanical integrity tests of their wells, and coordinated a shut-in of their injection operations to evaluate the impact on water quality in the stream.
- We concluded that fluids injected through the UIC wells impacted the surface water, and since the fluids are injected at depth, they must be passing through the underground source of drinking water (the USDW, or aquifer) to reach the surface.
- The UIC programs have to make sure that injected fluids are safely contained, and it is the responsibility of the operators to show they are doing so.

- In August, we proposed Administrative Orders to the operators of the seven closest injection wells to cease their injection activities.
- These orders cannot become final until the completion of the administrative process, which includes a public hearing in Tulsa on October 11<sup>th</sup>.
- We also recently notified the operators of an additional six injection wells that they need to monitor injection pressures and volumes daily and report it to EPA more frequently.
- Throughout this process, we communicated regularly with the BIA, the Osage Nation and Osage Mineral Council, the landowners, and the operators of injection wells.
- The Bird Creek effort shows how EPA works closely with the state and tribal agencies, landowners and regulated parties to ensure the protection of our water resources.
- Another example of how we're working with Oklahoma in providing clean and safe water is our work in **restoring impaired waterbodies in the state**.
- Oklahoma's ability to effectively utilize Clean Water Act 319 funds has led to another six waterbodies being restored in 2017.
- In total, Oklahoma has restored the water quality in 61 waterbodies these past 10 years, which leads the nation.
- Furthermore, Region 6 is increasing our commitment in partnering with the State's agriculture sector.
- Our Policy Advisor for Agriculture has made several trips to Oklahoma this past year to participate in USDA meetings, meetings with State Departments of Agriculture and the Conservation Commission, and Healthy Soils Forums.

#### Core Mission – Revitalize Land

- Besides protecting air and water, we're collaborating with our partners to protect the land.
- On Sunday, September 4<sup>th</sup> of Labor Day Weekend 2016, a magnitude **5.8 earthquake struck Pawnee**, damaging buildings and causing great concern about aftershocks.
- Oklahoma has already experienced a tremendous increase in earthquakes in the preceding years, and many scientists concluded they were the result of increased volumes of wastewaters associated with oil production being disposed of in Class II UIC injection wells.
- The Oklahoma Corporation Commission and EPA have been working together on this issue for several years, including our UIC permitting program providing a geological engineer to support their efforts on a near full time basis.
- The earthquake's epicenter was just outside of Osage County, where EPA has direct implementation authority for the UIC program, and represented the first strong earthquake in that area.
- Once news of the earthquake reached us, the manager of the UIC permitting program and several of his staff immediately began working that weekend, contacting the OCC to streamline our responses for consistency and effectiveness.
- They also reached out to the Osage Nation authorities.
- The UIC program developed a plan which would shut in nearby wells, reduce allowed volumes further out, and cap injection volumes in another tier.

- After briefing managers by telephone, the UIC program contacted operators of Class II UIC wells in Osage County and requested they implement the reduction on an interim voluntary basis.
- By Sunday night, EPA field inspectors had confirmed that all of the operators had complied with EPA's requests.
- The Pawnee response is an excellent example of our dedicated federal and state staff in action, and it shows the strong foundation of our partnership built on previous work and emergencies.
- Not only are we protecting land but we're also **revitalizing land for reuse**.
- The state of Oklahoma has received over \$29.7 million in **Brownfields Grant** funding to the State, Tribes, Job Training Institutions, regional and local communities and organizations.
- This has resulted in over \$1.25 billion in leveraged funding and 4,630 acres ready for reuse, most of which has already been redeveloped.
- Oklahoma City has received numerous brownfield grants over the last 15 years to the total of \$15 million.
- With these grant funds, Oklahoma City has partnered with EPA, Oklahoma Corporation Commission, and Oklahoma Department of Environmental Quality to renovate and revitalize blighted properties in the city core.
- Some of the properties that have been completed through this partnership includes the Skirvin Hotel, the downtown Oklahoma City library, the brick town Fire Station, and Brick town.
- In the **RCRA program**, we work primarily with the Oklahoma Department of Environmental Quality (ODEQ) where we have a good working relationship.
- The State's RCRA program is equivalent and consistent with the Federal RCRA program.
- The State maintains the legal authority necessary to carry out this delegated program.
- ODEQ has made significant progress in meeting Government Performance and Results Act (GPRA) commitments.
- They have ensured that human exposure and contaminated groundwater migration are under control at all GPRA designated facilities in Oklahoma.
- ODEQ continues to work with EPA Region 6 to ensure that all Environmental Indicator (EI) Goals for FY20 are met as resources allow.
- EPA has provided technical support to ODEQ over the years to assist in meeting State goals (due to facilities with limited resources, difficult enforcement issues, and/or emerging contaminants, vapor intrusion) and to assist in achieving GPRA goals.
- EPA Region 6 developed the **Ready for Reuse (RfR) Program in 2002** as a long-term, corrective action "measure of success" for all EPA and state cleanup programs.
- "Ready for Reuse" recognizes when a facility -- or portion thereof -- has been assessed and remediated to the extent that the property is safe for reuse or redevelopment.
- The purpose of RfR is to promote expedited, yet protective cleanups.
- Ready for Reuse not only provides in-depth information regarding a property (historical use, cleanup actions taken, residual contaminants of concern, etc.), but also details the

engineering and institutional controls required to ensure long-term remedy protectiveness.

- In Oklahoma, RfR Determinations have spanned several clean-up programs including RCRA Corrective Action, Voluntary Cleanup Program, and Underground Storage Tanks.
- Since its inception, Oklahoma has partnered with Region 6 on four RfR Determinations, spanning 22 sites and nearly 180 acres.
- RfR Determinations have served as a positive communications tool for communities, providing comprehensive, understandable information regarding the environmental conditions on a property.
- RfRs have also proven instrumental in property transactions, by providing comfort to stakeholders, including financial institutions, developers, governmental agencies, etc.
- We'll continue to work with the state on revitalizing land, turning blighted areas into economic drivers for the local community.

#### Cooperative Federalism

- All of the accomplishments I cited just now in providing clean air, water, and land to folks here in Oklahoma could not have been done without working cooperatively ODEQ, OCC and other state and local agencies.
- Some additional things we're doing to advance cooperative federalism are **streamlining and modernizing** our permit processes by reducing any unnecessary or duplicative reporting burdens that impede economic growth.
- We've done this with **Oklahoma's Water Quality Standards**.
- EPA reviews and approves or disapproves new and revised water quality standards adopted by states and tribes.
- Because of early and close coordination between Region 6 and the Oklahoma Water Resources Board throughout development, draft and formal submittal stages, we were able to approve **Oklahoma's triennial revision** in full in February 2017.
- Effective coordination streamlines the review and facilitates timely implementation of WQS in permits, TMDLs and assessments.
- Another good example of cooperative federalism is our collaboration with the state on its **drought resilient efforts for water supply**.
- From about 2010 through 2015, Oklahoma experienced a drought which was so severe, communities were afraid that they were going to run out of drinking water.
- The state of Oklahoma has been seeking to revise their regulations so that aquifer storage and recovery (ASR) projects can be used to provide an alternative way to store water for use during dry periods.
- In 2016, the Oklahoma legislature granted the Oklahoma Water Resources Board (OWRB) the authority to create rules and develop a permit program for implementing ASR projects.
- OWRB will address water rights associated with ASR, and develop anti-degradation standards for ASR projects.
- ODEQ will also use UIC permits to address ASR wells and infiltration basins, and infrastructure construction.

- EPA is also working with many other state and federal agencies to address water shortage concerns in southwest Oklahoma in the area around Altus.
  - The community and OWRB developed a SW Oklahoma Action Plan for increasing water supplies for the future so that drought impacts will be less severe.
  - A workgroup meeting was held in Altus in late August to exchange ideas and see the situation first-hand.
  - EPA, ODEQ, OWRB, the Corps of Engineers, the Bureau of Reclamation, the U.S. Fish and Wildlife Service and others attended the meeting and discussed how other types of projects may supplement the Action Plan, and also potential sources of funding.
  - EPA is very supportive of these efforts and looks forward to working with Oklahoma's various programs as the use of ASR and other technologies to mitigate drought impacts expand in Oklahoma.
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- Let me touch on the **Hurricane Harvey response** efforts in Texas for a moment because it also shows cooperative federalism in action.
  - We're still working with the Texas Commission on Environmental Quality to coordinate with local, state and federal officials to address the human health and environmental impacts of Hurricane Harvey and its aftermath, especially the water systems in the affected areas.
  - The TCEQ has approximately 500 people and EPA has 57 people assisting in response to this natural disaster.
  - As part of this coordination, a Unified Command was established between the EPA, the TCEQ, the General Land Office, and the U.S. Coast Guard to oversee all emergency response efforts.
  - This Unified Command is supported by three operational branches in Corpus Christi, Houston, and Port Arthur.
  - In addition to the EPA, the TCEQ, the GLO, and the USCG, multiple agencies and groups are supporting each of the operational branches, including the Texas National Guard, 6th Civil Support Team; the Arkansas National Guard, 61st Civil Support Team; the Oklahoma Task Force 1; and the Texas State Guard Engineering Group. Branch personnel are working to continuously monitor water and wastewater systems, as well as assess spills or discharges as a result of the storm.
  - On September 13, Administrator Pruitt approved Texas' request to **waive requirements for fuels** through Oct 1 to help address the emergency.
  - The waiver is for reformulated gasoline and low volatility gasoline in Texas, and also continues the previous waived requirement to use Texas Low Emission Diesel in 110 counties in Texas.
  - The waiver authority was exercised under the Clean Air Act and was granted by EPA Administrator Pruitt, in coordination with the U.S. Secretary of Energy Rick Perry, at the request of Texas Commission on Environmental Quality Executive Director Richard Hyde and Texas Governor Greg Abbott.
  - EPA and DOE determined that granting this short-term waiver was consistent with the public interest.

- EPA and DOE are continuing to actively monitor the fuel supply situation as a result of Hurricanes Harvey and Irma, and will act expeditiously if extreme and unusual supply circumstances exist in other areas.
- All of EPA's efforts are posted online to the public.

#### Rule of Law and Process

- Besides cooperative federalism, we're also focused on **Rule of Law and Process** in protecting public health and the environment.
- We're going to administer the laws as Congress intended them to be, to refocus the Agency on its statutory obligations under the law.
- EPA is also focused on **robust research and scientific analysis** to inform policy making.
- And we want to create **consistency and certainty**.
- We're going to outline exactly what is expected of the regulated community, to ensure good stewardship and positive environmental outcomes.
- By accomplishing these goals, we hope to **improve efficiency and effectiveness**.

#### Conclusion

- In conclusion, we've accomplished a lot and we couldn't have done this without working hand-in-hand with ODEQ, OCC, state, and local partners.
- Today, Oklahomans enjoy cleaner air, water, and land because we all work together cooperatively.
- EPA is focused on continuing to work with our partners and strengthening our bonds as we move forward to address other challenges.
- We're committed to our goals by focusing on cooperative federalism and the rule of law and progress.
- Thank you for your time.